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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,973	08/22/2001	Timothy P. Croughan	98A9-USC1 Croughan	8353

25547 7590 12/22/2004

PATENT DEPARTMENT
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EXAMINER

KRUSE, DAVID H

ART UNIT	PAPER NUMBER
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1638

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

12142004

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Commissioner for Patents

The reply filed on 4 October 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The claims as presented in said reply are directed to inventions non-elected by original presentation. Applicant had elected without traverse in the reply filed 14 January 2003 to examine the product of claim 62, for example. The 4 October 2004 reply now reads on a process of using the elected invention and a product made by said process, inventions non-elected by original presentation. Said reply appears to be an improper attempt at rejoinder of a non-elected invention wherein said reply no longer presents claims directed to the elected invention; see MPEP § 821.04. In addition, claims 63, 65, 67, 69, 71 and 72 do not comply with 37 CFR § 1.121(c). Appropriate correction is required. See 37 CFR § 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR § 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Kruse, Ph.D. whose telephone number is (571) 272-0799. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Amy Nelson can be reached at (571) 272-0804. The fax telephone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-0547.

David H. Kruse, Ph.D.

14 December 2004

DAVID H. KRUSE, PH.D.

PATENT EXAMINER